

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

**NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,**

Defendants.

**NORFOLK AND PORTSMOUTH BELT LINE RAILROAD COMPANY’S
MOTION *IN LIMINE* #3 TO LIMIT EVIDENCE AND ARGUMENT
FROM NON-PARTIES VPA AND VIT**

Defendant Norfolk and Portsmouth Belt Line Railroad Company (“Belt Line”), by counsel, pursuant to Fed. R. C. Proc. 37(c)(1) and Fed. R. Evid. 403, 602, and 701, moves to limit evidence and argument at trial related to Virginia Port Authority (“VPA”) and Virginia International Terminals, LLC (“VIT”) as follows:

- (1) prohibiting VPA or VIT, or any current or former employee, from testifying that the Belt Line’s switching rate is “too high” or “unreasonable” or any similar descriptor;
- (2) prohibiting VPA or VIT, or any current or former employee, from testifying that CSXT does not have “rail access” or “proper access” or “dual access” to NIT;
- (3) prohibiting CSXT from arguing or eliciting testimony that VPA or VIT “supports” or “endorses” CSXT’s position in this case;
- (4) excluding an April 13, 2018 letter from VPA to the Belt Line; and
- (5) granting the Belt Line all other just relief.

In support thereof, the Belt Line submits the accompanying memorandum.

Dated: May 7, 2021

**NORFOLK AND PORTSMOUTH BELT LINE
RAILROAD COMPANY**

By: /s/ W. Ryan Snow

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May 2021, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Virginia, Norfolk Division, using the electronic case filing system of the court. The electronic case filing system will send a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ W. Ryan Snow
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